

Appl. No. 09/784,622  
Amendment and/or Response  
Reply to Office action of 9 September 2005

Page 6 of 10

### REMARKS / DISCUSSION OF ISSUES

Claims 1-13 and 19-25 are pending in the application.

The applicant respectfully notes that the Office action is inconsistent and incomplete in a number of areas. If the following arguments are not persuasive to warrant the allowance of all claims, the applicant respectfully requests the issuance of a non-final Office action that addresses the rejected claims appropriately.

In particular:

- the Office action cover sheet indicates that claims 1-18 are pending in the application; the applicant notes that claims 1-13 and 19-25 are pending in this application;
- the Office action rejects claims 1-5, 7-10, and 13 under 35 U.S.C. 102(a), but fails to address claim 13 in the following text, and includes comments regarding claims 19-25, which are not included in the Office action rejection;
- the Office action rejects claims 6, 11, 12, and 16 under 35 U.S.C. 103(a), but includes remarks regarding claim 13, which is not included in this rejection, and includes claim 16, which is canceled.

The Office action rejects claims 1-5, 7-10, and 13 under 35 U.S.C. 102(a) over Schmier et al. (USP 6,006,159, hereinafter Schmier). The applicant respectfully traverses this rejection.

Claim 1, upon which claims 2-11 depend, claims a method that includes, among other elements, enabling to transfer information content over the network from the repository to a mobile storage medium, and providing use of the information content in a communication-restricted environment.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."  
*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

Appl. No. 09/784,622  
Amendment and/or Response  
Reply to Office action of 9 September 2005

Page 7 of 10

1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Schmier does not teach enabling a transfer of information content over the network from a repository to a mobile storage medium, and Schmier does not teach providing use of the information content in a communication-restricted environment.

The Office action asserts that Schmier teaches a transfer of information content over the network from a repository to a mobile storage medium at column 3, lines 12-59, and column 4, lines 38-50. The cited text follows:

"In one aspect, the present invention is directed to a system for notifying a passenger waiting for a public transit vehicle of the arrival time of the vehicle at a public stop. The system is applicable to a wide variety of vehicles such as boats, airplanes, helicopters, automobiles, vans, buses, trolleys, trains, etc. operating along aboveground routes, or combination aboveground routes and underground routes including tunnels. The system also is applicable to vehicles which travel along tracks, as well as to those which travel along road surfaces. Typically, the vehicle travels a predetermined route and may be situated at any location along the route. The stop is one of a plurality of stops along the route.

The system comprises six major classes of devices. These classes are: Vehicle Information Units, the Central Processor, Addressable Display Units, Non-Addressable Display Units, Telephone Information Systems, and On-Line Computer Information Systems.

The vehicle information units are comprised of a global positioning system device, or "GPS" device, located in each vehicle. Also located in each vehicle is an appropriate Passenger Load Sensor System or "PLSS" for estimating vehicle passenger load.

The GPS in each vehicle is in communication with a plurality of global positioning systems satellites for determining the location of the vehicle along the vehicle's route.

The PLSS is any system that obtains reasonably accurate measurement of vehicle passenger load. In one preferred embodiment the PLSS measures vehicle weight from spring deflections so that the processor of the vehicle information unit or the central processor may compute vehicle occupancy therefrom.

Other sensors may also collect information related to other vehicle systems the transit system wishes to monitor such as fuel, engine temperature, tire pressure, fuel mileage, or brake condition through a variety of additional sensor devices. Collectively the GPS, PLSS and these additional sensor devices are "the sensors".

**Appl. No. 09/784,622**  
**Amendment and/or Response**  
**Reply to Office action of 9 September 2005**

**Page 8 of 10**

The sensors, including the GPS and PLSS in each vehicle, are connected to a processor located in each for accepting the information from GPS, PLSS and other sensors. This processor is in communication with a transceiver that may be individually addressable so that the information received from the sensors can be relayed by wireless radio signal in conjunction with telephone or other available communication systems to a central processor as polled by the central processor or according to a timed schedule.

Alternatively, each record contains estimated times of arrival at all of the stops along a given vehicle's route together with the predicted passenger load at all of the vehicle's stops (assuming the transit data table includes one record for each vehicle operating on a transit route). In addition, the records may include other useful information, such as but not limited to, special passenger notification information and optimal bus operational information. The transit data table preferably would include records for each stop for each vehicle operating on each route in the transit system.

In another aspect, the present information system uses transit data table software of a standardized format, and standardized computers and other components, thereby permitting widespread use of the system anywhere in the world."

As is evident in the cited text, Schmier does not teach a transfer of information content over a network from a repository to a mobile storage medium. Of particular note, the cited text does not refer, at all, to a mobile storage medium, and does not refer, at all, to transferring information content from a repository to a mobile storage medium.

Further, as is evident from the cited text, Schmier does not teach providing use of the information content in a communication-restricted environment. Of particular note, the cited text does not refer, at all, to a communication-restrictive environment, nor to the use of information content in such an environment.

The Office does not address a teaching in Schmier that includes the elements of the applicant's claim 13.

Because Schmier does not teach a transfer of information content over a network from a repository to a mobile storage medium, and because Schmier does not teach providing use of the information content in a communication-restricted environment, as specifically claimed in claim 1, the applicant respectfully maintains

**Appl. No. 09/784,622**  
**Amendment and/or Response**  
**Reply to Office action of 9 September 2005**

**Page 9 of 10**

that the rejection of claims 1-5, and 7-10 under 35 U.S.C. 102(a) over Schmier is unfounded, per MPEP 2131.

Because the Office action does not assert a prior art teaching that teaches the elements of claim 13, the applicant respectfully maintains that the rejection of claim 13 under 35 U.S.C. 102(a) over Schmier is unfounded, per MPEP 2131.

Although claims 19-25 are not included in the Office action's rejection, the Office action asserts that the above cited material teaches the elements of claims 19-25.

Claim 19, upon which claims 20-25 depend, claims a method of providing information content to passengers of an aircraft, that includes determining the information content that is of interest to the passenger, before the aircraft departs a terminal, transferring the information content from an information network to a storage medium, and providing the information content from the storage medium to the passenger while the aircraft is in flight.

As is quite apparent, the above cited text of Schmier does not teach a method of providing information content to passengers of an aircraft, does not teach determining the information content that is of interest to the passenger before the aircraft departs a terminal, does not teach transferring the information content from an information network to a storage medium, and does not teach providing the information content from the storage medium to the passenger while the aircraft is in flight.

The Office action rejects claims 6, 11, and 12 under 35 U.S.C. 103(a) over Schmier and McCarten et al. (USP 6,559,812, hereinafter McCarten). The applicant respectfully traverses this rejection.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations*... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

**Appl. No. 09/784,622**  
**Amendment and/or Response**  
**Reply to Office action of 9 September 2005**

**Page 10 of 10**

In this rejection, the Office action relies upon Schmier for teaching the elements of claim 1, upon which claims 6 and 11 depend. As noted above, the cited text of Schmier does not teach a transfer of information content over a network from a repository to a mobile storage medium, and does not teach providing use of the information content in a communication-restricted environment, as specifically claimed in claim 1. Therefore, because the cited prior art does not teach or suggest all of the claim limitations, the applicant respectfully maintains that the rejection of claims 6 and 11 based on Schmier is unfounded, per MPEP 2142.

In like manner, with regard to claim 12, the Office action relies upon the above cited text of Schmier for teaching the transfer of information content between a repository hosting information content and a mobile storage medium.

As noted above, Schmier does not teach the transfer of information content between a repository hosting information content and a mobile storage medium, and therefore the applicant respectfully maintains that the rejection of claim 12 based on Schmier is unfounded, per MPEP 2142.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Attorney  
Registration Number 41,508  
patents@lawyer.com

1824 Federal Farm Road  
Montross, VA 22520  
Phone: 804-493-0707  
Fax: 215-243-7525